

REMARKS

This Amendment amends claims 18, 19, 21, 25 and 27-30, adds new claims 33-36, amends the title and presents a substitute abstract. The features of new claims 33 and 34 are taken from claim 21, while the features of new claims 35 and 36 are taken from claim 25. The Substitute Abstract is based on the original abstract. Claims 17-36 are pending.

This Amendment overcomes the objection to the Abstract. More particularly, the abstract has been replaced with a Substitute Abstract which complies with MPEP § 608(b). Reconsideration and withdrawal of the objection to the Abstract are requested.

This Amendment overcomes the objection to the title, which has been amended to make it more descriptive. Reconsideration and withdrawal of the objection to the title are requested.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 21, 25 and 29. The preferred embodiments recited in claims 21 and 25 have been deleted in favor of new claims 33-36, while claim 29 has been rewritten to encompass hydraulic adjustment of either the angle between the drawbar and the longitudinal axis of the frame, the rotation of the mouldboard attachment shaft around its longitudinal axis, or both.

Reconsideration and withdrawal of the indefiniteness rejection of claims 21, 25 and 29 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 17, 20-25 and 27-31 over U.S. Patent No. 5,062,488 to Lochmiller in view of U.S. Patent No. 4,984,638 to Coste is traversed. The claimed device includes the combination of an adjustable angle drawbar and a rotatable attachment shaft for mouldboards. The claimed combination requires relatively little force for cultivation (Specification, page 2, lines 18-22).

The cited combination of references fails to raise a prima facie case of obviousness because one of ordinary skill has no motivation or apparent reason to combine Lochmiller and Coste to arrive at the claimed cultivation device. For example, Lochmiller's device, which lacks a drawbar, forms a series of small, flat-topped terraces with interconnecting lateral dams in soil to hold rainwater where it falls, increase its percolation rate into the soil, and to provide storage room above and below ground level for the rainwater (Abstract). Figs. 6 and 7 of Lochmiller illustrate a very robust device which one of ordinary skill in the art would recognize will require a large pulling force.

One of ordinary skill in the art would not consider the Lochmiller device when seeking to design a cultivation device which requires relatively little pulling force during ploughing. Coste teaches away from the use of "right hand" and "left hand" moldboards due to increased numbers of parts, increased plow weight and price, and reduced tractor performance (Col. 1, lines 13-17). Reconsideration and withdrawal of the obviousness rejection of claims 17, 20-25 and 27-31 over Lochmiller in view of Coste are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claim 26 over Lochmiller in view of Coste, further in view of U.S. Patent No. 3,985,187 to Callahan, is traversed. The claimed device includes the combination of an adjustable angle drawbar and a rotatable attachment shaft for mouldboards.

The cited combination of references fails to raise a prima facie case of obviousness. The deficiencies of Lochmiller and Coste, discussed above, are not remedied by the additional disclosure of Callahan. More specifically, Callahan fails to disclose or suggest a cultivation device which includes the combination of an adjustable angle drawbar and a rotatable attachment shaft for mouldboards. Instead, Callahan is cited to show

attachment of a mouldboard to the mouldbard attachment shaft by a shear pin. Reconsideration and withdrawal of the obviousness rejection of claim 26 over Lochmiller in view of Coste, further in view of Callahan, are respectfully requested.

The 35 U.S.C. § 103(a) rejection of claims 18 and 19 over Lochmiller in view of Coste, further in view of the knowledge of one of ordinary skill in the art, is traversed. The claimed device includes the combination of an adjustable angle drawbar and a rotatable attachment shaft for mouldboards.

This rejection is traversed on the same grounds discussed above regarding the obviousness rejection of claims 17, 20-25 and 27-31 over Lochmiller in view of Coste. Reconsideration and withdrawal of the obviousness rejection of claims 18 and 19 are respectfully requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 17-32, and issuance of a Notice of Allowance directed to claims 17-36, are earnestly requested. The Examiner is requested to telephone the undersigned should he believe any further action is required for allowance.

U.S. Appln. S.N. 10/561,391
AMENDMENT

PATENT

A Petition and fee for a one month Extension of Time are attached. It is not believed any additional fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is requested to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

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Enclosures:

Petition for Extension of Time
Substitute Abstract